

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JUSTYNA ZUBKO-VALVA, as Mother  
and Natural Guardian of ANTHONY  
VALVA and ANDREW VALVA, and as  
Administratrix of the Estate of THOMAS  
VALVA, and JUSTYNA ZUBKO-VALVA  
Individually,

Plaintiffs,

– against –

THE COUNTY OF SUFFOLK, CPS  
SENIOR CASEWORKER MICHELE  
CLARK, Individually and in her Official  
Capacity, CPS SUPERVISOR EDWARD  
HEEPE, Individually and in his Official  
Capacity, CPS ASSISTANT DIRECTOR  
ROBERT LETO, Individually and in his  
Official Capacity, CPS INVESTIGATOR  
JENNIFER LANTZ, Individually and in  
her Official Capacity CPS  
INVESTIGATOR MELISSA ESTRADA,  
Individually and in her Official Capacity,  
CPS INVESTIGATOR LYDIA SABOSTO,  
Individually and in her Official Capacity,  
CPS SUPERVISOR JEAN MONTAGUE,  
Individually and in her Official Capacity,  
DEPARTMENT OF SOCIAL SERVICES  
COUNTY ATTORNEY RANDALL  
RATJE, ESQ., Individually and in his  
Official Capacity, ATTORNEY FOR  
CHILDREN DONNA MCCABE, ESQ.,  
Individually and in her Official Capacity,  
THE LAW OFFICE OF DONNA  
MCCABE, SHANA CURTI, ESQ.,  
Individually and in her Official Capacity,  
ORSETTI & CURTI PLLC, EAST  
MORICHES UNION FREE SCHOOL

**NOT FOR PUBLICATION**

**MEMORANDUM**

2:20-cv-2663 (ERK)(ARL)

DISTRICT, PRINCIPAL EDWARD  
SCHNEYER, Individually and in his  
Official Capacity, SCHOOL  
SUPERINTENDENT CHARLES RUSSO,  
Individually and in his Official Capacity,  
HOPE SCHWARTZ ZIMMERMAN,  
Individually, ATTORNEY FOR  
CHILDREN ETHAN HALPERN, ESQ,  
Individually and in his Official Capacity,  
THE LEGAL AID SOCIETY OF  
SUFFOLK COUNTY, INC.,  
CHILDREN'S LAW BUREAU,  
MICHAEL VALVA, and ANGELA  
POLLINA.

Defendants.

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KORMAN, J.:

Since I decided to divide one opinion on the motions to dismiss brought by the parties in this case into three opinions, I thought it would be useful to set out for the parties a summary of the claims that survive the motions to dismiss.

No claims remain against the following defendants: CPS Investigator Lydia Sabosto, CPS Supervisor Jean Montague, Department of Social Services County Attorney Randall Ratje, Shana Curti, Orsetti & Curti PLLC, Judge Hope Schwartz Zimmerman, and the Children's Law Bureau.

*Suffolk County and the CPS Defendants*

One claim remains against Suffolk County: the § 1983 claim for municipal liability. The following claims remain against CPS Senior Caseworker Michele Clark, CPS Supervisor Edward Heepe, CPS Assistant Director Robert Leto, CPS

Investigator Jennifer Lantz, and CPS Investigator Melissa Estrada: the § 1983 claims for deliberate indifference, denial of the right to a fair trial, and stigma plus.

*The School Defendants*

The following claims remain against East Moriches Union Free School District: the New York state law claims for wrongful death, conscious pain and suffering, intentional infliction of emotional distress, violation of Social Services law section 413, and negligent hiring, training, and retention. The following claims remain against School Superintendent Charles Russo and Principal Edward Schneyer: the New York state law claims for wrongful death, conscious pain and suffering, intentional infliction of emotional distress, and violation of Social Services law section 413.

*Donna McCabe and Ethan Halpern*

The following claims remain against Donna McCabe and Ethan Halpern: the New York state law claims for legal malpractice, wrongful death, conscious pain and suffering, and negligence. The following claim remains against the Law Office of Donna McCabe and the Legal Aid Society of Suffolk County: the New York state law claim for legal malpractice.

*Michael Valva and Angela Pollina*

Mrs. Valva has brought the following claims against Michael Valva and Angela Pollina: New York state law claims for wrongful death, conscious pain and suffering, assault, battery, intentional infliction of emotional distress, and

defamation. Mrs. Valva is advised to renew her default judgment motions against these defendants.

Brooklyn, New York  
June 24, 2022

Edward R. Korman  
Edward R. Korman  
United States District Judge